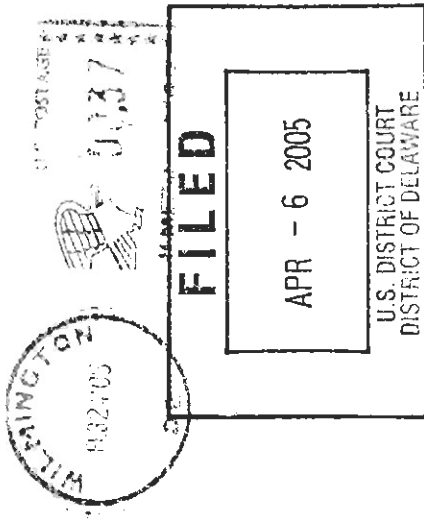


Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

OFFICIAL BUSINESS

Richard H. Boyd
SBI#00219235
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19777



A ☒ INSUFFICIENT ADDRESS
C ☐ ATTEMPTED NOT KNOWN
S ☐ NO SUCH NUMBER/ STREET
☐ NOT DELIVERABLE AS ADDRESSED
☐ UNABLE TO FORWARD

☐ OTHER

RTS
RETURN TO SENDER

19801/3570



6

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RICHARD BOYD,

Petitioner,

v.

THOMAS L. CARROLL,
Warden,

Respondent.

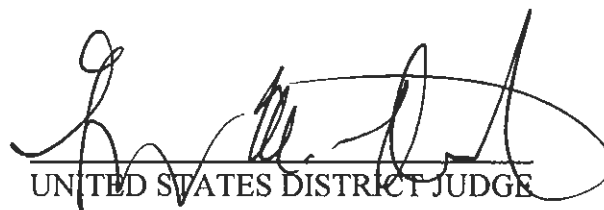
Civil Action No. 04-1446-GMS

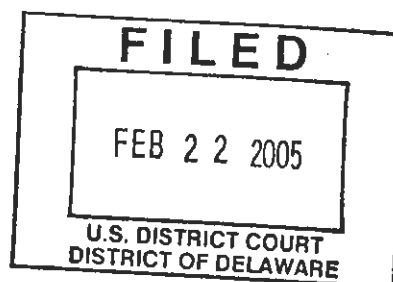
ORDER

At Wilmington this 22nd day of February, 2005;

IT IS ORDERED that:

Petitioner Richard Boyd's motion to present a writ of habeas corpus, which the court interprets as a letter motion to amend his § 2254 petition to change the named respondent from Richard Kearney to Thomas Carroll, is GRANTED. (D.I. 3.)


UNITED STATES DISTRICT JUDGE



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RICHARD BOYD,)
)
 Petitioner,)
)
 v.) Civil Action No. 04-1446-GMS
)
 THOMAS CARROLL,)
 Warden,)
)
 Respondent.)

O R D E R

At Wilmington this 22nd day of February, 2005, the petition of Richard Boyd for a Writ of Habeas Corpus having been reviewed pursuant to 28 U.S.C. § 2254, Rule 4, and noting that petitioner has not filed the AEDPA election form as required in the court's order dated December 9, 2004;

IT IS HEREBY ORDERED that:

1. Pursuant to 28 U.S.C. § 2254, Rules 3(b) and 4, the clerk shall forthwith serve by certified mail a copy of the petition (D.I. 1.; D.I. 2; D.I. 3.), the order dated December 9, 2004 (D.I. 5.), and this order upon: (1) the above-named Warden of the facility in which petitioner is housed; and (2) the Attorney General of the State of Delaware.

2. Within **forty-five (45)** days of receipt of the petition and this order, in accordance with 28 U.S.C. § 2254, Rule 5, respondents shall:

a. State whether the petitioner has exhausted his state

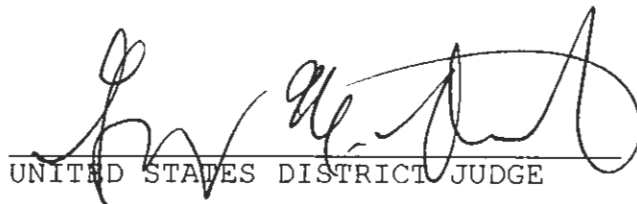
remedies including any post-conviction remedies available to him under the statutes or procedural rules of the State and including also his right of appeal both from the judgment of conviction and from any adverse judgment or order in the post-conviction proceeding;

b. Respond to the allegations of the petition;

c. Indicate what transcripts (of pretrial, trial, sentencing, and post-conviction proceedings) are available, when they can be furnished, and also what proceedings have been recorded and not transcribed;

d. Attach to the answer certified copies of such portions of the transcripts as may be material to the questions raised in the petition, as well as certified copies of the petitioner's brief(s) on appeal (direct and/or post-conviction) and of the opinion(s) of the appellate court, if any.

3. The clerk shall mail a copy of this order forthwith to the petitioner.


UNITED STATES DISTRICT JUDGE

